

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

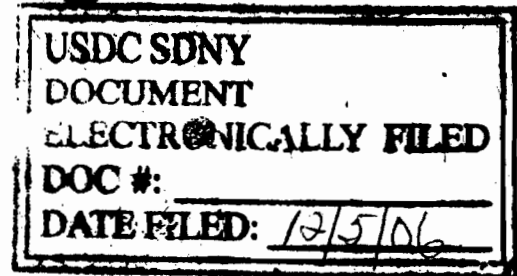
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WAUSAU UNDERWRITERS INSURANCE
COMPANY and AXIS SPECIALTY INSURANCE
COMPANY,

Plaintiffs,

-against-

QBE INSURANCE CORPORATION and
SCOTTSDALE INSURANCE COMPANY,

Defendants.
-----X



Index No. 06 CV 3212 (VM)

**STIPULATION OF
FACTS AND RELATED
TO DISCOVERY**

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs and
defendant QBE INSURANCE CORPORATION ("QBE"), as follows:

A. That the following facts are agreed to and not disputed:

1. Kel Tech Construction Inc. ("Kel Tech"), a Named Insured under
the liability insurance policy, No. HBG 00208-3, issued by QBE, timely tendered to QBE
notice of the "occurrence" alleged in the underlying action entitled John Moore v. New
York City Economic Development Corp., New York City Department of Transportation,
Barney Skanska Construction Company, Kel Tech Construction Inc., Index No.
13658/04, in the Supreme Court of the State of New York, County of Richmond (the
"Underlying Action"); and

2. The New York City Economic Development Corp., a defendant in
the Underlying Action, timely tendered to QBE notice of the "occurrence" alleged in the
Underlying Action.

B. The parties hereto are making no stipulations or admissions concerning the legal relevance of the above-stipulated facts.

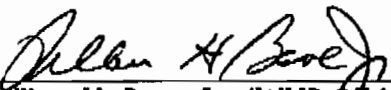
C. Plaintiffs withdraw their request for the remaining portions of QBE's claims file, except to the extent QBE intends to use documents in its claims file to support any defense it has to the claims alleged in the above-entitled action.

D. Plaintiffs withdraw their objections to QBE's Interrogatory answers.


E. The attorneys signing this Stipulation represent and warrant that such attorney is authorized to sign on behalf of such attorney's client, and to bind said party or parties to this Stipulation.

Dated: New York, New York
November 14, 2006

WILSON, BAVE, CONBOY, COZZA
& COUZENS, P.C.

By: 
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COMPANY
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SO ORDERED: 


Hon. Victor Marrero, U.S.D.J.